

REMARKS

Claims 1-2, 5-10, 13-14, 16, 24-26, 37-39 are pending. Claims are currently canceled. Claims 28-36 have been withdrawn from consideration and are cancelled with this amendment. Claims 3-4, 6-12, 15, 17-23, and 27 are also cancelled.

Claim 39 has been added. Support for the new claim can be found throughout the Specification, and in particular, claims 1, 3, 12, and 24-25 as originally filed. Reconsideration of the application is requested.

Claim Objections

The Examiner has provisionally rejected claim 27 as a duplicate of claim 16. Claims 8, 13, and 24 are objected to as improper dependent form for failing to further the limit the subject matter of the previous claim. Applicants have cancelled claim 27 and amended claims 8, 13 and 24 in an attempt to address the Examiner's objections.

§ 112 Rejections

Claims 1-2, 5-11, 13-14, 16, 24-27, and 37-38 are rejected under 35 USC § 112, first paragraph, as failing to comply with the written description requirement. Applicants have amended claim 1 to require the surfactant to be "selected from the group consisting of amine oxides, phenol ethoxylates, fatty acid amides, sorbitan esters, fatty alcohol ethoxylates, block copolymers of ethylene oxide and propylene oxide and combinations of the foregoing," rather than the solvent. Support for the amendment is based on claim 12 as originally filed. Modification of the solvent by the markush group of claim 12 was done in error.

§ 102 Rejections

Claims 1-2, 5-10, 13-14, 16, 26-27, and 37-38 are rejected under 35 USC § 102(b) as being anticipated by US Patent No. 5,736,582 (Deviliez '582). Additionally, 1-2, 5-10, 13-14, 16, 24-27, and 37-38 are rejected under 35 USC § 102(b) as being anticipated by US Patent No. 5,958,984 (Deviliez '984).

Deviliez's compositions contain a very small amount of free salicylic acid (0.1 wt% calculated), which is the active form. In fact, the composition created by Deviliez '582 and '984 above contains mostly sodium salicylate. Such a small level of the acid combined with ~ 0.7 wt %

surfactant is not expected to be active against mycobacteria. Moreover, Devillez uses more ingredients than are within the scope of the present claim 1, as amended. Nothing has been identified as a reason for one skilled in the art to modify either Devillez '582 or '984 to eliminate certain ingredients therefrom (e.g., sodium hydroxide, simethicone) or to modify the relative percentages of the ingredients in the Devillez compositions to provide a composition like that described in Applicant's pending claim 1.

The rejection of claims 1-2, 5-10, 13-14, 16, 24-27, and 37-38 under 35 USC § 102(b) as being anticipated by Devillez has been overcome and should be withdrawn.

§ 103 Rejections

Claims 1-2, 5-11, 13-14, 16, 24-27, and 37-38 are rejected under 35 USC § 103(a) as being obvious over EP Patent No. 916721 (Del Duca). Applicants respectfully disagree.

Del Duca teaches laundry bleaching compositions that require a peroxygen bleach, a buffering system, and a perfume as "essential components." (Paragraphs 16, 21, 33). Del Duca teaches surfactants and solvents as optional components. Del Duca uses more ingredients than are within the scope of the present claims, as amended. Nothing within the disclosure of Del Duca teaches or suggests to one skilled in the art that the teaching in the Del Duca reference can be modified to eliminate certain ingredients therefrom (e.g., perfume) or to modify the relative percentages of the ingredients in the Del Duca compositions to provide a composition like that described in Applicant's pending claim 1, or that the resulting modified composition would have the antimicrobial characteristics as claimed by Applicants (e.g., claim 2).

Applicants submit that the rejection of claims 1-2, 5-11, 13-14, 16, 24-27, and 37-38 under 35 USC § 103(a) as obvious over Del Duca has been overcome and should be withdrawn.

In view of the above, it is submitted that the application is in condition for allowance.

Respectfully submitted,

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